IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5615 of 1988

For Approval and Signature:

HON'BLE MR.JUSTICE M.S.SHAH Sd/-
and
HON'BLE MR.JUSTICE D.A.MEHTA Sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

V K TRADING CO

Versus

UNION OF INDIA

Appearance:
MR DG TRIVEDI FOR MR KS NANAVATI for Petitioner No. 1-2
RULE NOT RECD BACK for Respondent No. 1
MRS KETTY A MEHTA for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE M.S.SHAH
and
HON'BLE MR.JUSTICE D.A.MEHTA

Date of decision: 22/06/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE M.S.SHAH)

Mr.D.G.Trivedi, learned Advocate appearing for Mr.K.S.Nanavati states that in one of the Civil Applications (in the main petition) filed by Union of

India and Collector of Customs and Central Excise, Rajkot in March,1993 the following statements are made :-

"2. It may be pointed out that in the present case pursuant to the Court's order the subject consignments were were provisionally released by the applicants. Thereafter adjudication proceedings in respect of the subject consignments have also been completed. The opponents have filed an appeal against the Order-In-Original passed by the concerned authority to the Central Excise & Gold (Control) Appellate Tribunal. The appeal is pending before the C.E.G.A.T.

3. In view of the above development, the pendency of the petition would serve no useful purpose. It is therefore, in the interests of justice that the petition may be disposed off by this Hon'ble Court in light of the above development."

2 In view of the above developments, Mr Trivedi seeks leave to withdraw the petition with liberty to file a fresh petition in case it becomes necessary to do so.

3. In view of the developments pointed out in the Civil Application, leave as prayed for is granted. The petition stands disposed of as withdrawn with liberty as prayed for.

Rule is discharged with no order as to costs.

(M.S.Shah,J)

(D.A.Mehta,J)
m.m.bhatt